

## REMARKS/ARGUMENTS

The office action of June 17, 2008 has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested.

### Specification

The applicant submits an amended specification to substitute for the specification originally filed in the United States. In this amended specification, applicant requests to reinstate the contents of the specification from page 1 to page 22, line 8, of the internationally filed Chinese published specification, which corresponds to the English translation of the internationally published specification from page 1 to page 35, line 10. Reference can be made to the marked up version of the corrected English translation of the originally filed international application (filed on even date herewith). This material had been deleted during the international phase but finds full support in the originally filed international application (PCT/CN02/00948).

That is, the portion of the specification before the “Brief Description of the Drawings” (page 1 to page 5, line 2 from the bottom, see the marked up version of the substitute specification) as originally filed in the United States is being replaced with the material shown in the attached amended specification taken from the originally filed international application.

Applicants submit that the substitute specification is based on the originally filed PCT application PCT/CN02/00948 for which applicants are entitled priority and does not add new matter.

### Claims

The amendments to the claims are fully supported by the initial international specification and introduce no new matter. The pages referenced below are taken from the clean version of the English translation of the PCT application being submitted on even date herewith.

In regard to new claim 21, support is found in the English translation of the internationally published specification on page 2, lines 20-24 (the objects of this invention is to create a new type of environments for people’s continuous development, which comprise multifunctional tridimensional combined ecological architectures and various series of functional buildings with cooperating devices and cooperating equipments), on page 4 lines 10-24 and page 7 lines 1-4 (The

system creates mainly the epitomes of humans in the natural environments.), on page 12, lines 14-17 (Those above mentioned are part of the techniques systems of the tridimensional combined ecological buildings, which can be entirely, partly or separately used, with functions and structures variable), on pages 12-34 and on page 35, line 26 to page 36, line 12. The contents of the cooperating systems that are not essential features for the present invention appear in new dependent claims 22 and 28.

The expression “activity place for habitants” has been corrected to read “place for human culture activity”. This is supported by the English translation of the internationally published specification, page 3, lines 21-25 (Multifunctional tridimensional combined ecological architectures may be in different forms, including human culture type tridimensional ecological buildings mainly for human culture and secondly for ecological organisms environments, such as offices, residential houses, business buildings, factories, stations, stadiums and other public utilities) and page 38, lines 3-23 (28 and 28-1 is another structure of the main body ecological building 1, which can be a structure mainly for human culture, such as living rooms, and places for offices, commerce, sports, cultures, factories, schools, researches, storages, sanatorium etc.). Moreover, the specific forms of the place for human culture activity are recited in new dependent claim 43.

Moreover, from the clean version of the English translation of the initial specification submitted here, pages 2-34 and the description of the embodiments in the specification, it can be determined that the multifunctional tridimensional combined ecological architecture as claimed in claim 21 may have one, several or more buildings. Therefore, the applicant amends the expression “having one or more buildings” in the previous claim 11 into “having one, several or more buildings”. This amendment is fully supported by the initial specification and introduces no new matter.

New claims 23-27 are based on previous claims 12-16, new claims 30-32 are based on previous claims 18-20, and new claim 29 is based on previous claim 17.

In new claim 27 “organism cultivation structure”, “cultivation frame for organism” and “organism cultivation plate” are supported by the internationally published specification. See the English translation of the internationally published specification, page 13, lines 14-16, (“cultivation frame for organism” and “organism cultivation plate”), and page 6, lines 17-18 and page 10, line 5 (“organism cultivation structure”).

New claim 33 is supported by the initial specification as discussed for new claim 21 and also by the embodiment of figure 5 and the text describing the embodiment of figure 5, for example, the English translation of the initial specification, page 64, line 24 to page 71, line 25.

New claim 34 is supported by the initial specification as discussed for new claim 21 and also by the embodiment of figure 8 and the text describing the embodiment of figure 8, for example, the English translation of the initial specification, page 83, line 14 to page 91, line 12.

New claim 35 is supported by the initial specification as discussed for new claim 21 and also by the embodiment of figure 10 and the text describing the embodiment of figure 10, for example, the English translation of the initial specification, page 99, line 10 to page 100, line 17.

New claim 36 is supported by the initial specification as discussed for new claim 21 and also by the embodiment of figure 10 and the text describing the embodiment of figure 10, for example, the English translation of the initial specification, page 110, line 10 to page 112, line 25.

New claim 37 is supported by the initial specification as discussed for new claim 21 and also by the embodiment of figure 10 and the text describing the embodiment of figure 10, for example, the English translation of the initial specification, page 105, line 4 to page 106, line 9 can also support claim 37.

New claim 38 is supported by the initial specification as discussed for new claim 21 and also by the embodiment of figure 1 and the text describing the embodiment of figure 1, for example, the English translation of the initial specification, page 43, lines 2-7.

New claim 39 is supported by the initial specification as discussed for new claim 21 and also by the embodiment of figure 6 and the text describing the embodiment of figure 6, for example, the English translation of the initial specification, page 71, line 27 to page 76, line 11.

New claim 40 is supported by the initial specification as discussed for new claim 21 and also by the embodiments described in the initial specification, for example, the English translation of the initial specification, page 111, line 25 to page 112, line 10.

New claim 41 is supported by the initial specification as discussed for new claim 21 and also by the embodiments described in the initial specification, for example, the English translation of the initial specification, last paragraph.

New claim 42 is supported by the initial specification as discussed for new claim 21 and also by the embodiments of figures 9 and 10, for example, the English translation of the initial specification, page 91, line 13 to page 98, line 2, and page 98, line 21 to page 99, line 21.

New claim 43 is supported by the internationally published specification, page 3, lines 21-25 and page 38, lines 4-24, as mentioned above.

New claims 44-45 are supported by the embodiment of figure 4 and new claim 46 is supported by the embodiment shown in the initial figures 5 and 6.

#### **Objection to the Claims**

Claim 20 stands objected to for reciting proper names. Applicant does not agree with this objection to the expressions “Yixue”, “Taiji” and “Gua.” According to the applicant, these expressions are quite common and well known to a person skilled in the art in China and one skilled in the art would have such common knowledge of the Chinese culture.

Attached please find pages taken from two Chinese dictionaries, which pages explain the expressions “Yixue”, “Taiji” and “Eight Gua”. These pages support (the expressions denoted by arrows) that the expressions are well known to a person skilled in the art. Withdrawal of this objection is requested.

#### **Rejection under 35 U.S.C. § 112, Second Paragraph**

Claims 15, 18, and 20 stand rejected as indefinite regarding a plurality of buildings. Claims 15, 18, and 20 have been canceled and new claims 21-46 do not contain the term “plurality”. Withdrawal of this rejection is requested.

#### **Rejections under 35 U.S.C. §§ 102 and 103**

Claims 11-13, 15-16, and 18-20 stand rejected as anticipated by Whitaker, *Agriculture Buildings and Structures*. Claim 14 stands rejected as unpatentable over Whitaker in view of Pomerleau (US 5,091,780). Claim 17 stands rejected as unpatentable over Whitaker in view of Schoenfelder (US 4,103,493). Insofar as these rejections apply to any of new claims 21-46, they are respectfully traversed.

Whitaker is directed to the design of various types of agricultural buildings and structures and discloses some special requirements for each of the agricultural buildings and structures. However, such agricultural buildings and structures disclosed by Whitaker are discussed as independent buildings or structures and are not combined together into an architecture. That is, Whitaker does not teach or suggest combining the different types of agricultural buildings and structures to form a multifunctional combined ecological architecture as claimed.

Whitaker mentions fan ventilation devices, but discloses only traditional agricultural buildings and structures developed in a two-dimensional plane. The types of agricultural buildings and structures mentioned have different single functions and different applications respectively. Claim 21, on the other hand is directed to a multifunctional tridimensional combined ecological architecture.

Claim 21 comprises a building or buildings which have a tridimensional structure, and comprise an ecological structure for organisms, a natural ecological structure, a place for human culture activity, an organism production system, and cooperating systems. The tridimensional ecological architecture, which comprises these parts, constitutes itself a combined ecological system. One of the inventive features of the present invention is combining the ecological environment, formed by combining a natural ecological structure and an organism ecological structure, the organism production system, and the place for human culture activity for human cultural activities (for example, a dwelling) with the cooperating systems to form a multifunctional tridimensional combined ecological architecture. In this multifunctional tridimensional combined ecological architecture, the requirement of human cultural activities (for example dwelling) is met, at the same time, people can protect the ecological environment and can carry out organism production. When humans live in this ecological system, multiple objects of dwelling, life, ecological protection, organism production and benefiting from the environment can be reached, realizing the harmonization of human with nature. This ecological system will contribute greatly to the protection of the ecological environment in which human lives. This ecological effect and function are not possessed by Whitaker.

Whitaker only mentions agricultural buildings and structures each with a single function. On the contrary, the multifunctional tridimensional combined ecological architecture according to the present invention applies not only for agricultural construction but also for construction of cities. It provides a totally new architecture to the human society, which not only meets the requirement of human cultural activities (for examples inhabitation) but also meets the requirement of carrying out production to provides food to humans. It can also protect ecological environment, save energy, and protect humans themselves and have multiple functions. It provides a totally new life style and tridimensional ecological environment for humans. It may also prevent humans from attacks or effects due to natural disasters.

These advantages of the combined effects is not disclosed or suggested in the Whitaker. The object of Whitaker is totally different from and cannot compare with the purpose of the multifunctional tridimensional combined ecological architecture as claimed in claim 21.

Whitaker does not disclose the features of claim 21 as follows: “said more buildings comprises one, a part or all of ecological structures of Taiji graphics type, Eight Gua graphics type, hood type, frame type, tree type, tridimensional land type, tridimensional warm house type, combined frames type, turret frame type, combined passage type, hacienda type, ecological village type, ecological town type, tridimensional ecological river type, tridimensional ecological bridge type, tridimensional ecological road type and tridimensional ecological wall type”.

Whitaker does not appreciate the problems solved by claim 21 and hence offers no solution of claim 21. Whitaker does not teach or suggest each of the parts shown in the figures of the instant application, which include ecological river, ecological bridge, ecological wall, tridimensional land, Yixue type, tridimensional warm house, tree type, organism cultivation structure of movable type and/or openable and closable type, combined ecological buildings and devices, equipments and systems. Each of these claimed elements can form part of the multifunctional tridimensional combined ecological architecture. Consequently, when combining these elements, the multifunctional tridimensional combined ecological architecture according to the present invention may form an ecological town with an ecological system. The multifunctional tridimensional combined ecological architecture as claimed in claim 21 may comprise many types of ecological structures, each of which bring notable advantages of improving the ecological environment.

When combining these types of ecological structure, the advantageous technical effects are more notable. For example, when incorporating a part or all of the types of ecological structure like “ecological river (water resource is critically important for the survival of humans. The water resource and recycling system of the ecological river will protect the water resource on which human’s continuous life rely.)”, “tridimensional ecological wall (which can defend against natural disasters)”, “ecological bridge”, “ecological road” and “tridimensional land” etc. into the multifunctional tridimensional combined ecological architecture to form an ecological town or ecological village, a large scale of complex ecological system of “tridimensional ecological town” or “tridimensional ecological village” and can bring an environment friendly effect. If it is used in desert or wild land, it can make the desert or wild land to become an oasis. It can solve the problem

of shortage of land and resources which problem human is confronting and which problem is more and more serious. Thus the ecological structure can provide a life and survival style integrating human labor and human inhabitation. It can supply human with abundant organism products, can decrease the atmospheric green house effect. It is of great significance to protect environment, to protect human, to protect the variety of organism, and to protect the earth. The large scale of complex ecological system formed by the multifunctional tridimensional combined ecological architecture according to the present invention is a systematic invention.. These features are not disclosed or suggested by Whitaker.

The Office Action, page 5, lines 2-3, mentions that the cited document discloses “the activity places for habitants” and “said activity places for habitants comprising places for resting and for sports and cultural activities”. Applicant respectfully disagrees. Whitaker only mentions a barn and does not disclose activity places for habitants comprising places for resting and for sports and cultural activities. The Office Action, page 5, line 3 from the bottom to page 6, line 6, mentions that the cited document, chapter 14, discloses “said electrical devices comprising solar power generation”. But, actually, this part only mentions solar collectors and a conventional manner of storing heat, in which heat is stored in stone, water or concrete and fails to teach power generation by solar energy and corresponding storing of heat. The Office Action, page 6, paragraph 2 from the bottom, states that Whitaker, pages 339 (393?) and 394 disclose the feature “said methane systems comprise methane tanks and methane storing and utilization devices”. But, actually, this part only mentions manure storage.

Claim 21 is novel and not obvious over Whitaker, and accordingly all of the dependent claims 22-46 are likewise novel and non obvious.

US 5,091,780 and US 4,103,493 likewise do not teach or suggest the features of the claim 21 or dependent claims and thus do not remedy the defects of Whitaker. None recognize the problems solved by the instant claims and hence none offer any solutions.

The final Office Action, on page 8, paragraph 2 from the bottom, states that it is old and well known to combine buildings in various types of forms. The claimed invention is to not simply combining various types of buildings as asserted. Claim 21 defines a multifunctional architecture which has various features such as multifunctional, tridimensional, ecology and buildings, combining ecological environment, human inhabitation, life, and production. Such a multifunctional tridimensional ecological architecture is not taught and suggested by any of the

cited documents. None of the prior rejections are applicable to the instant claims and should be withdrawn.

### **CONCLUSION**

It is believed that no fee is required for this submission. If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

All rejections having been addressed, applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Respectfully submitted,  
BANNER & WITCOFF, LTD.

Dated: December 16, 2008

By: /Susan A. Wolffe/  
Susan A. Wolffe  
Registration No. 33,568

1100 13<sup>th</sup> Street, N.W., Suite 1200  
Washington, D.C. 20005-4051  
Tel: (202) 824-3000  
Fax: (202) 824-3001

SAW:vlh